

FILED
CHARLOTTE, N. C.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

APR 5 2006
U. S. DISTRICT COURT
W. DIST. OF N. C.

MATTERS BEFORE IN RE GRAND JURY:

FILED UNDER SEAL

	Nos.
MARCO ANTONIO FONSECA KRONE	3:06MJ53
BRIAN WALL COYLE	3:06MJ54
VICTOR RONALD KUSTRA	3:06MJ55
DIANE BEVERLY SIGUENZA	3:06MJ56
JOHN DOE (a.k.a. LAWRENCE CUNNINGHAM, a.k.a. RUSS ELKINS)	3:06MJ57
MARTIN KALCHSTEIN	3:06MJ58
MICHAEL ATTILIO MANGARELLA	3:06MJ59
TRENT BRADFORD NYFFELER (a.k.a. TULA NYFFELER)	3:06MJ60
GIUSEPPE PILEGGI	3:06MJ61
HERMAN KANKRINI	3:06MJ62
JACOB RONALD CHACON KRONE	3:06MJ63
ROBERT KUSTRA	3:06MJ64
CELIN MARCELL CHACON KRONE	3:06MJ65
ANDREAS ROMAN LEIMER	3:06MJ66
DAVID MICHAEL HENNESSEY	3:06MJ67

MOTION TO PARTIALLY LIFT SEALS

COMES NOW the United States of America, by and through the undersigned attorneys for the United States, and respectfully requests this Court to partially lift the seals entered on March 30, 2006 with respect to fifteen criminal complaints for the limited purpose of permitting the United States Department of Justice prosecutors to provide Costa Rican justice officials information contained in the sealed documents, so that said Costa Rican officials may effectuate the search which is the object and purpose of a recently issued Letters Rogatory by this Court.

FACTS

On March 15, 2006, in *United States v. Cummins, et al.*, No. 3-05-CR-400, this Court issued Letters Rogatory to judicial authorities in Costa Rica requesting their assistance in the criminal investigations referenced above, including *inter alia*, requesting a search of suspected call centers involving the defendants in the *Cummins* case as well as the defendants cited in the 15 criminal complaints of the instant motion. The Letters Rogatory requests that the appropriate Costa Rican judicial authorities authorize (1) surveillance of particular defendants and co-conspirators and locations; (2) obtain specific official records and business records; and (3) cause searches to be carried out of various locations and seizures of pertinent and relevant evidence.

On March 30, 2006, fifteen criminal complaints were issued by this Court under seal, against **CELIN MARCELL CHACON KRONE, JACOB RONALD CHACON KRONE, BRIAN WALL COYLE, JOHN DOE (a.k.a. LAWRENCE CUNNINGHAM, a.k.a. RUSS ELKINS), MARCO ANTONIO FONSECA KRONE, DAVID MICHAEL HENNESSEY, HERMAN KANKRINI, MARTIN KALCHSTEIN, ROBERT KUSTRA, VICTOR RONALD KUSTRA, ANDREAS ROMAN LEIMER, MICHAEL ATTILIO MANGARELLA, TRENT BRADFORD NYFFELER (a.k.a. TULA NYFFELER) and GIUSEPPE PILEGGI, DIANE BEVERLY SIGUENZA** charging them with conspiracy to commit wire fraud (18 U.S.C. 371) by operating a sweepstakes/lottery fraud through which thousands of United States residents have lost millions of dollars.

In order to carry out the purposes and the directives of the search requested by the Letters Rogatory, the appropriate Costa Rican judicial authorities must be made aware the allegations and contents of the fifteen criminal complaints and their

accompanying affidavits. Accordingly, the undersigned requests that the seals previously entered in the criminal complaints against the individual defendants referenced above be partially lifted so that the contents may be shared with appropriate Costa Rican judicial authorities.

Respectfully submitted,
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[Handwritten signature of Gretchen O. F. Shappert] *4/3/05*